

West Virginia Public Defender Services

Mission

Public Defender Services provides funds to attorneys and other service providers who defend indigents accused of crimes and other wrongdoing in order to ensure that constitutionally-required due process protections are afforded to all citizens regardless of wealth.

Operations

Accounting/Voucher Processing Division

- Account for all expenditures, including payroll, benefits, central office, public defender corporations, and appointed counsel payments.
- Prepare financial reports for all receipts and expenditures.
- Prepare and monitor expenditure schedules and appropriation requests.
- Prepare year end reporting for the State of West Virginia's CAFR.
- Maintain and request changes in user profiles for agency users of WVFIMS.
- Maintain and prepare agency's IRS Form 1099 production for paid vendors.
- Consult with IS&C on appointed counsel claims tracking system.
- Review vouchers submitted by appointed counsel and other service providers for mathematical errors, sufficient justification of expenses, duplicate billings (duplicate time from voucher to voucher, as well as duplication of entire bill), and whether proceeding is eligible.
- Produce and issue written instructions detailing payment procedures.
- Process all claims and reimbursements for payment using WVFIMS.
- Keep detailed financial records regarding each voucher submitted, balancing monthly to WVFIMS, the state auditor, and the appointed counsel claims tracking system.
- Send to each provider detailed statements of cases paid by each warrant issued.
- Collect and maintain data for annual report detailing appointed counsel statistical information by types of expenses and hours worked in each county and each circuit.
- Answer inquiries from service providers regarding payment, filling out of forms, status of payments, and eligibility for payment.

Administration/Public Defender Operations Division

- Order supplies and make purchases for central office.
- Process all central office invoices using WVFIMS.
- Process for deposit all receipts from Criminal Law Research Center activities.
- Maintain records of all personnel actions, including sick and annual leave and disciplinary actions.
- Establish operating practices for Public Defender Services office and public defender offices.
- Notify and advise staff of all Division of Personnel policies, employee benefits, and other employee-related matters.
- Maintain payroll records and prepare requests for changes in personal services, benefits, or other withholdings.
- Ensure payroll preparation is correct.
- Budget and monitor all administrative spending in office including payroll, benefits, and operating expenses.
- Maintain fixed asset inventory for office.
- Coordinate records management for office.
- Answer inquiries from office staff, outside vendors, administrative staff from other divisions, appointed counsel, other service providers, public defender corporation staff, and the general public.
- Prepare and negotiate budget with 18 public defender corporations.
- Maintain public defender corporation expenditure information and prepare monthly financial statements.
- Monitor public defender corporations' budgets, and issue monthly disbursements pursuant to contract and cash flow needs.
- Coordinate annual audits of public defender corporations (in conjunction with FARS) for reporting in the CAFR.
- Establish and coordinate public defender corporation operating policies for statewide consistency.

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- Develop and maintain the Public Defender Corporation Manual.
- Visit Public Defender offices, provide assistance, and conduct training for daily business operations.
- Ensure proper case management and statistical reporting.
- Monitor production of public defender corporation statistical data for accuracy and completeness.
- Evaluate need for expansion of existing offices and creation of new offices.
- Answer inquiries and attend various public defender corporation board meetings as needed.
- Act as liaison between public defender corporations and other state agencies or private vendors.
- Establish income guidelines for eligibility for appointment of counsel by circuit courts.

Appellate Advocacy Division

- Represent eligible clients upon appointment by circuit courts or by the Supreme Court of Appeals of West Virginia.
- Respond to inquiries from unrepresented persons, both incarcerated and general public.

Criminal Law Research Center

- Write and publish *Criminal Law Digest*, a summary of recent Supreme Court of Appeals of West Virginia decisions relating to areas in which representation is provided.
- Write and publish criminal jury instructions and form motions.
- Develop and coordinate continuing legal education programs and services.
- Write and distribute a criminal law practice manual.
- Answer miscellaneous inquiries from attorneys and other service providers.
- Keep records of publications sold, and advise attorneys and others of need to update.
- Engage in marketing efforts to increase sales of publications and attendance at seminars.

Goals/Objectives

- Increase the number of public defender corporations from 18 to 23 by FY 2009 to reduce current costs.
- Improve data collection for oversight of public defender corporations.
- Maintain public defender costs below appointed counsel costs.
- Review billings from appointed counsel for errors; reject inaccurate, duplicate, or inappropriate billings.
- Maintain rejection rate from the State Auditor's Office at or below one percent.
- When fully funded, process each appointed counsel voucher within five working days of receipt; make payment within 30 days of receipt (includes state auditor review).
- Produce and sell 100 volumes of research materials per year.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Billing reductions from voucher review (in thousands)	\$407.1	\$374.6	\$350.0	\$510.2	\$350.0	\$350.0
Funds saved by public defender operations (in millions)	\$7	\$7	\$6	\$6	\$5	\$4
Volumes of research materials sold	51	160	200	88	100	100

Recommended Improvements

- ✓ Includes \$1,000,000 to establish new public defender corporations.

Expenditures

	TOTAL FTE POSITIONS 11/30/2005	ACTUALS FY 2005	BUDGETED FY 2006	REQUESTED FY 2007	GOVERNOR'S RECOMMENDATION
EXPENDITURE BY PROGRAM					
Public Defender Services	13.25	\$29,601,866	\$28,100,387	\$28,079,348	
Less: Reappropriated		(2,686,832)	(5,029)	0	
TOTAL BY PROGRAM	13.25	26,915,034	28,095,358	28,079,348	29,091,048
EXPENDITURE BY FUND					
General Fund					
FTE Positions		13.00	13.25	13.25	13.25
Total Personal Services		505,412	535,198	527,758	539,458
Employee Benefits		179,043	189,695	189,335	189,335
Other Expenses		28,912,774	27,357,284	27,352,255	28,352,255
Less: Reappropriated		(2,686,832)	(5,029)	0	0
Subtotal: General Fund		26,910,397	28,077,148	28,069,348	29,081,048
Federal Fund					
FTE Positions		0.00	0.00	0.00	0.00
Total Personal Services		0	0	0	0
Employee Benefits		0	0	0	0
Other Expenses		0	0	0	0
Subtotal: Federal Fund		0	0	0	0
Appropriated Special Fund					
FTE Positions		0.00	0.00	0.00	0.00
Total Personal Services		0	0	0	0
Employee Benefits		0	0	0	0
Other Expenses		0	0	0	0
Less: Reappropriated		0	0	0	0
Subtotal: Appropriated Special Fund		0	0	0	0
Nonappropriated Special Fund					
FTE Positions		0.00	0.00	0.00	0.00
Total Personal Services		0	0	0	0
Employee Benefits		0	0	0	0
Other Expenses		4,637	18,210	10,000	10,000
Subtotal: Nonappropriated Special Fund		4,637	18,210	10,000	10,000
TOTAL FTE POSITIONS BY FUND		13.80	13.25	13.25	13.25
TOTAL EXPENDITURES BY FUND		\$26,915,034	\$28,095,358	\$28,079,348	\$29,091,048